



NOTICE OF RIGHTS AND RESPONSIBILITIES

On November 9, 1999, the Equal Employment Opportunity Commission's (EEOC) regulation governing the processing of complaints of employment discrimination by federal applicants and employees was revised. Your rights and responsibilities under the revised regulations include the following:

Prior to filing a formal complaint, the right to anonymity.

The right to representation throughout the complaint process including the counseling stage. The EEO Counselor is not an advocate for either the aggrieved person or the agency.

The right to choose between OASDR's Alternative Resolution Program (ADR) and traditional EEO counseling, where the agency agrees to offer ADR.

The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure. Consult your EEO Counselor for clarification.

The election requirement in the event the claim at issue is appealable to the Merit Systems Protection Board (MSPB). Consult your EEO Counselor for clarification.

The right to a reasonable amount of official time to address your complaint. Consult your EEO Counselor for clarification.

The requirement that the aggrieved person file a written complaint within 15 calendar days of receipt of the Counselor's Notice of Right to File a Formal Complaint in the event the aggrieved person wishes to file a formal complaint at the conclusion of traditional EEO counseling or ADR.

The right to file a notice of intent to sue when age is alleged as a basis for discrimination and of the right to file a lawsuit under the ADEA instead of an administrative complaint of age discrimination, pursuant to 29 CFR §1614.201(a).

The right to go directly to a court of competent jurisdiction on claims of sex-based discrimination under the Equal Pay Act even though such claims are also cognizable under Title VII.

The right to request a hearing before an EEOC Administrative Judge except in a mixed case after 180 calendar days from the filing of a formal complaint or after completion of the investigation, whichever comes first.

The right to an immediate final decision after an investigation by the agency in accordance with 29 CFR §1614.108(f).

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The right to go to U.S. District Court 180 calendar days after filing a formal complaint or 180 days after filing an appeal.

The duty to mitigate damages, e.g., that interim earnings or amounts that could be earned by the individual with reasonable diligence generally must be deducted from an award of back pay.

The duty to keep the agency and EEOC informed of your current mailing address and to serve copies of appeal papers on the agency.

Where traditional counseling is elected, the right to receive in writing within 30 calendar days of the first counseling contact (unless the aggrieved person agrees in writing to an extension) a notice terminating counseling and informing the aggrieved of the:

- (1) right to file a formal individual or class complaint within 15 calendar days of receipt of the notice,
- (2) appropriate official with whom to file a formal complaint, and
- (3) complainant's duty to immediately inform the agency if you retain counsel or a representative.

Where the aggrieved person agrees to participate in ADR, the written notice terminating the counseling process will be issued upon completion of the ADR or within ninety (90) calendar days of the date of contact with the EEO Counselor, whichever is earlier.

That only claims raised at the counseling stage or claims that are like or related to those that were raised may be the subject of a formal complaint or an amendment to a complaint after it has been filed.

That rejection of an agency's offer of resolution made pursuant to 29 CFR §1614.109(c) may result in the limitations of the agency's payment of attorney's fees or costs you can recover.

If you have filed two or more complaints, the agency must consolidate them after appropriate notice to you. 29 CFR §1614.606-- When a complaint has been consolidated with one or more earlier complaints, the agency shall complete its investigation within the earlier of 180 days after the filing of the last complaint or 360 days of the filing of the first complaint and that you may request a hearing before an EEOC Administrative Judge at any time after 180 days of the filing of the first complaint.